

CERTIFICATE OF FAXSIMILE TRANSMISSION

#3

I hereby certify that this correspondence is being facsimile transmitted to:
Fax # (703) 308-6459,
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231
on February 28, 2002 by Martin Fleit *Martin Fleit*

PATENT

Attorney Docket No.: 740-X02-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant/Inventor: Dirk-Henning MENZ et al..

Serial/Patent No.: 10/049,558

(NATIONAL STAGE FILING OF PCT/EP00/06109) Group Art Unit:

Filed/Issued: February 14, 2002 Examiner:

For/Title: TEAR SUBSTITUTE

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. 182

COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

Sir:

Due to an inadvertent mistake, the Transmittal Letter submitted on February 14, 2002 for entering the National Stage for the PCT application identified above, copy enclosed, identified the International Application as PCT/DE00/06109 instead of PCT/EP00/06109. In fact, there is no PCT application No. PCT/DE00/06109 that meets the description given in the Transmittal Letter. The only International Application that meets the description is International Application PCT/EP/00/06109. Submitted with the Transmittal Letter were a number of documents including a copy of the published application WO 01/12159 A2, all of which related to PCT/EP00/06109, so the applicants' intent is clear that the filing was a National Stage filing of PCT/EP00/06109. A copy of the first page of WO 01/12159 A2 is enclosed.

Applicants' are at a loss to explain this inadvertent mistake, and hereby respectfully petition the Commissioner of Patents to exercise his authority under 37 C.F.R. 182 and accept the documents filed on February 14, 2002 as a National Stage filing of International Application PCT/EP00/06109, and grant such other and further relief as may be deemed necessary. The Commissioner is authorized by the undersigned to charge the petition fee of \$130.00, and such other fees as may be required or due to the account of the undersigned, Deposit Account No. 500601.

Respectfully Submitted, *Martin Fleit*
Martin Fleit, Registration Number 16,900

FLEIT KAIN GIBBONS GUTMAN & BONGINI

520 Brickell Key Drive #A201

Miami, Florida 33131

Tel: 305-536-9020; Fax: 305-536-9022; e-mail: MFleit@FleitKain.com

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (REV. 12-2001)		ATTORNEY'S DOCKET NUMBER 740-X02-007
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		
INTERNATIONAL APPLICATION NO. PCT NO. DE00/06109	INTERNATIONAL FILING DATE JUNE 30, 2000	PRIORITY DATE CLAIMED AUGUST 14, 1999
TITLE OF INVENTION ARTIFICIAL TEAR REPLACEMENT SOLUTION		
APPLICANT(S) FOR DO/EO/US DIRK-HENNING MENZ, JOACHIM DRESP AND MARTIN WINTER		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. <p>8. <input checked="" type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input checked="" type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>15. <input checked="" type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p>		
CERTIFICATE OF EXPRESS MAILING; POSTCARD; MARKED-UP COPY OF SPECIFICATION; COPY OF EXAMINATION REPORT IN GERMAN AND ENGLISH		

(12) NACH DEM VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES
PATENTWESENS (PCT) VERÖFFENTLICHTE INTERNATIONALE ANMELDUNG(19) Weltorganisation für geistiges Eigentum
Internationales Büro(43) Internationales Veröffentlichungsdatum
22. Februar 2001 (22.02.2001)

PCT

(10) Internationale Veröffentlichungsnummer
WO 01/12159 A2(51) Internationale Patentklassifikation¹: A61K 9/107. (74) Anwälte: CHARRIER, Rolf usw.; Charrier Rapp & Liebau, Postfach 31 02 60, D-86063 Augsburg (DE).

A61P 27/04

(21) Internationales Aktenzeichen: PCT/EP00/06109

(81) Bestimmungsstaaten (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(22) Internationales Anmeldedatum:

30. Juni 2000 (30.06.2000)

(25) Einreichungssprache: Deutsch

(26) Veröffentlichungssprache: Deutsch

(30) Angaben zur Priorität:
199 38 668.4 14. August 1999 (14.08.1999) DE

(84) Bestimmungsstaaten (regional): ARIPO-Patent (CH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), curasches Patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), europäisches Patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI-Patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(71) Anmelder (für alle Bestimmungsstaaten mit Ausnahme von US): PHARM PUR GMBH [DE/DE]; Holzweg 27, D-86156 Augsburg (DE).

Veröffentlicht:

— Ohne internationalen Recherchenbericht und erneut zu veröffentlichen nach Erhalt des Berichts.

(72) Erfinder; und
(75) Erfinder/Anmelder (nur für US): MENZ, Dirk-Henning [DE/DE]; Wartheweg 12, D-86420 Dierdorf (DE). DRESP, Joachim [DE/DE]; Hohenbrunnerstrasse 14, D-81825 München (DE). WINTER, Martin [DE/DE]; Blutowerstrasse 15, D-28717 Bremen (DE).

Zur Erklärung der Zweibuchstaben-Codes, und der anderen Abkürzungen wird auf die Erklärungen ("Guidance Notes on Codes and Abbreviations") am Anfang jeder regulären Ausgabe der PCT-Gazette verwiesen.

(54) Title: ARTIFICIAL TEAR REPLACEMENT SOLUTION

(54) Bezeichnung: TRÄNENERSATZMITTEL

WO 01/12159 A2

(57) **Abstract:** The invention relates to an artificial tear replacement solution for external eye treatment. Existing artificial tear replacement solutions have the disadvantage of exhibiting a short residence time in the cornea. The invention aims at providing an artificial tear replacement solution that is compatible over a long period, enables even moistening of the cornea and has a long residence time on the surface of the eye. This is achieved in that said solution contains at least one water-soluble fluorosurfactant, water and a non-polar component.

(57) **Zusammenfassung:** Die Erfindung betrifft ein Tränenersatzmittel zur äußeren Behandlung des Auges. Bekannte Tränenersatzmittel weisen den Nachteil auf, daß sie eine relativ kurze Verweilzeit auf der Hornhaut haben. Die Aufgabe, ein langzeitverträgliches Tränenersatzmittel zur Verfügung zu stellen, welches eine gleichmäßige Benetzung der Hornhaut ermöglicht und eine lange Verweildauer auf der Augenoberfläche aufweist, wird dadurch gelöst, daß es mindestens ein wasserlösliches Fluorinsid, Wasser und eine unpolare Komponente enthält.

*** RX REPORT ***

RECEPTION OK

TX/RX NO	8269
CONNECTION TEL	3055369022
CONNECTION ID	
START TIME	02/28(TH)13:57
USAGE TIME	01'23"
PGS.	3
RESULT	OK